

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Case No. _:18-cv-_____

BRIAN HOGAN, both on his own behalf and as representative of all unnamed class members who are similarly situated; BRIAN HOGAN, as parent and next friend of H.H., both her own behalf and as representative of all unnamed class members who are similarly situated,

Plaintiffs,

vs.

CHEROKEE COUNTY; CHEROKEE COUNTY DEPARTMENT OF SOCIAL SERVICES; SCOTT LINDSAY both in his individual capacity and official capacity as attorney for Cherokee County Department of Social Services; CINDY PALMER, in both her individual capacity and her official capacity as Director of Cherokee County Department of Social Services; DSS SUPERVISOR DOE #1, et al.,

Defendants.

**NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C. §1441(b)
[Federal Question]**

PLEASE TAKE NOTICE that Defendants Cherokee County, Cherokee County Department of Social Services, Scott Lindsay in his official and individual capacity, and Cindy Palmer in her official and individual capacity, hereby remove to this Court the state court action described below.

1. On or about March 14, 2018, a Complaint was filed in Cherokee County Superior Court entitled *Brian Hogan, both on his own behalf and as representative of all unnamed class members who are similarly situated; Brian Hogan as parent and next friend of H.H. both her own behalf and as representative of all unnamed class members who are similarly situated v. Cherokee County, Cherokee county Department of Social Services, Scott Lindsay both in his individual capacity and official capacity as attorney for Cherokee County Department of Social Services, Cindy Palmer, in both her individual capacity and her official capacity as Director of Cherokee County Department of Social Services DSS Supervisor Doe #1, et al.*, Case No. 18 CVS 118. Copies of the Summons, Complaint, and exhibits E, F, and G to the Complaint are collectively attached as Exhibit “A.” Exhibits A- D of the Complaint are filed under seal in state court, and the undersigned will comply with the local rule 6.1 regarding sealed filings. Copies of the Motion for Protective Order, Protective Order, Motion for a Guardian Ad Litem, and Order appointing a guardian ad litem, are collectively attached as Exhibit “B”. These constitute the only documents filed in the action of which defendants are aware.
2. All Defendants were purportedly served on March 14, 2018.

3. This action includes three claims under 42 U.S.C. §1983, over which this Court has original jurisdiction under the provisions of Title 28, United States Code §1331, and is one which may be removed to this Court pursuant to 28 U.S.C. §1441(a) and (c).
4. A copy of this Notice for Removal, in conjunction with a Notice of Filing of Notice for Removal, will be filed with the Clerk of Court for Superior Court of Cherokee County, North Carolina and served on the Plaintiff's counsel.

Respectfully submitted, this the 13th day of April, 2018.

s/Sean F. Perrin

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*Attorney for Defendant Cindy Palmer
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CERTIFICATE OF SERVICE

This is to certify that on April 13, 2018, a copy of the foregoing **NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. §1441(b) [Federal Question]** was electronically filed with the Clerk of Court using CM/ECF system, and the undersigned sent a copy via United States Mail to:

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